

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

MEMORANDUM

TO: D. C. Zoning Commission

FROM: *JLS for*
Ellen McCarthy,
Director

DATE: January 17, 2006

SUBJECT: Report on a Proposed Minor Amendment to Zoning Commission Order No. 04-04 that Established the G.W. Carver Senior Housing Planned Unit Development on Property Located at 4800 East Capitol Street, N.E. (Square 5140 Lots 819, 820, 821, 822, 823, 824 and 826)

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BACKGROUND

On March 14, 2005, the Zoning Commission voted unanimously to approve the proposed Planned Unit Development for an apartment development for senior citizens and an associated Map Amendment that changed the subject properties from an R-5-A to an R-5-B zone district. The Commission later adopted Order No. 04-04 on April 11, 2005.

Subsequent to the final Commission action, the applicant was notified of concerns expressed by legal counsels for the private-sector bond holder of and tax credit equity investor in this project about Condition #2 of this Order. As explained in a memorandum dated January 17, 2006 from New Market Investors LLC, lower unit affordability profiles in the last sentence of Condition #2 and originally proposed by the applicant are only possible because of an anticipated 10-year Housing Assistance Payment (HAP) contract. These companies are concerned that any requirement to continue the lower affordability rates even if this HAP contract were not renewed after the 10-year term or at some other point in the future would make the project economically infeasible.

To address this concern, the applicant has requested a minor modification to either:

- Eliminate the last sentence of this condition referring to the lower affordability profiles while continuing the provision that all apartment units are restricted to seniors earning less than sixty-percent (60%) the area median income for a period of not less than 40 years at rents not to exceed thirty percent (30%) of the area median income; or
- Make the lower affordability profiles contingent on continuation of the HAP contract.

**ZONING COMMISSION
District of Columbia**

ANALYSIS

The Office of Planning finds that conditions restricting 100% of the apartment units to seniors earning less than sixty-percent (60%) the area median income at rents not to exceed thirty percent (30%) of the area median income for a period not less than 40 years to be a significantly greater affordable housing contribution than is provided in any comparable planned unit development.

During previous conversations with the Office of Planning, the applicant explained that part of the reason for the lower affordability requirements was to ensure that senior residents of the current George Washington Carver Apartments would be able to afford rental units in the new building. To that end it is important to retain the promised lower affordability profiles as long as a HAP contract remains in force. The applicant continues to express the "... intent to achieve the low-income goals set forth in the (current) second sentence of Condition No. 2" in a letter to Jerrily R. Kress, FAIA, Director D.C. Office of Zoning.

RECOMMENDATION

The Office of Planning therefore recommends approval of the requested minor amendment to Condition #2 of the Order 04-04:

2. The development approved in this PUD shall be a new, 104-unit, four-story apartment building for senior citizens, including one apartment for the resident manager. All of the units shall be restricted to seniors earning less than sixty percent (60%) of the area median income for a period of not less than 40 years at rents that will not exceed thirty percent (30%) of the area median income.

EMc/afj